



STATE OF WEST VIRGINIA
OFFICE OF THE ATTORNEY GENERAL
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CONSUMER PROTECTION DIVISION
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Press Release

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**ATTORNEY GENERAL DARRELL MCGRAW SUES OWNERS
OF LOWES MORTUARY, A DEFUNCT FUNERAL HOME
WHICH REFUSES TO REFUND CONSUMER'S MONEY**

Attorney General Darrell McGraw announced today that he has filed suit against the owners of Lowes Mortuary, a Williamson funeral home which closed its doors late last year and refused to hand over more than \$7,000 in cash received from a local citizen as advance payment for funeral services.

The lawsuit alleges that in May of 2001, Austin Lowe; his wife, JoAnn Lowe; and his mother, Betty Lowe, accepted \$7,025 in cash from an elderly Williamson resident who wished to pay in advance for her funeral arrangements. The mortuary then closed its doors in late 2003, but made no attempt to return the money. When the senior citizen learned that the company had gone out of business, she contacted Attorney General McGraw's office for help. The Attorney General's office informed her that Lowes Mortuary had never obtained a license to receive and manage advance payments, as required by law. Further, there was no record that Lowes Mortuary had ever complied with laws requiring funeral homes to place advance payments in a trust fund or insurance policy for safekeeping until the consumer's time of need. In recent weeks, the Attorney General's office demanded that the owners return the money, but the owners refused to provide the consumer with a refund.

The lawsuit asks the Mingo County Circuit Court to restrain the mortuary owners from engaging in any business whatsoever in the state of West Virginia until it can do so in compliance with state law, and to award civil penalties for violating numerous other state regulations. On April 8, 2004, an order was entered by Circuit Judge Michael Thornsby barring Lowes Mortuary from doing any business in the state of West Virginia until further order of the Court, and requiring them to appear for hearing on Thursday, April 15, 2004, at 8:30 a.m.

Attorney General McGraw asks any consumers who have paid Lowes Mortuary in advance for any funeral-related services or merchandise to file a complaint with his Consumer Protection Division by calling 1-800-368-8808.

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